IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Bail Cancellation Application No. 947 of 2003

Madan Mohan Joshi S/o Sri Krashananand Joshi
R/o Village Seema, Post Goulchara
District Pithoragarh ….Applicant

Versus

1. State of Uttaranchal
2. Kamla Devi W/o Sri Tara Dutt Kothari
R/o Ward No. 4, Kasba & P.S. Kaladhungi
District Nainital ….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard learned counsel for the applicant and respondent no. 2.

This is an bail application moved by the complainant for cancellation of bail granted by this Court on 16.10.2003. This court on 16.10.2003, after perusing the record granted bail to the applicant who is mother-in-law of the deceased. In the F.I.R. specific allegations have been leveled against the husband that he had demanded dowry and in fact a draft of Rs. 35,000/- as alleged was also given to Sunil Kothari who is the husband of the deceased. The husband is in jail and allegations against the father-in-law and mother-in-law are general in nature.

Considering the facts and circumstances, the applicant, who is mother-in-law of the deceased as also the fact that she is more than 55 years of age, she was granted bail. It is well settled that the cancellation of bail necessarily involves the review of a decision already made and can by and large be permitted only if by reason of supervening circumstances. The counsel could not show any ground for cancellation of bail.

I found no good ground for cancellation of bail. The bail cancellation application is rejected.

(M.M. Ghildiyal, J.)

11.12.2003
ASWAL